

DRAFT
For Review and Adoption by the Council at the October 23, 2018 Meeting

DELTA STEWARDSHIP COUNCIL
Thursday, September 27, 2018
Park Tower
980 9th Street
3rd Floor Conference Center
Sacramento, CA 95814

MEETING SUMMARY

1. Welcome and Introductions

The meeting was called to order at 9:00 a.m., Sept. 27, 2018, by Chair Randy Fiorini.

2. Roll Call – Establish a Quorum (Water Code §85210.5)

Roll call was taken. The following Councilmembers were present: Randy Fiorini and Susan Tatayon. A quorum was not established, so Chair Fiorini moved to agenda item 4.

Maria Mehranian, Ken Weinberg, Frank Damrell, and Skip Thomson arrived during the Chair's Report. A quorum was established after their arrival.

Mike Gatto was absent.

4. Chair's Report (Information Item)

Chair Fiorini reported that he participated in the Delta wine growers tasting and auction at Heringer Estates. The event supports the library in Clarksburg. Chair Fiorini also wanted to remind the public that the Delta Plan Interagency Implementation Committee meeting will be on November 5, 2018 at the Library Galleria. He said the Delta Science funding initiative group expects to draft a report with recommendations by April 2019.

The video showing the Chair's Report can be found on the linked agenda: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2018-09-27>. 00:01:30.

3. Adoption of the August 23, 2018 Meeting Summary (Action Item)

The adoption of the meeting summary was moved to after the Chair's Report to allow more time for Councilmembers to arrive and establish a quorum.

Motion: Offered by Mehranian, second by Damrell - Approved the Aug. 23, 2018 meeting summary.

Vote: 6/0 – Weinberg, Damrell, Mehranian, Fiorini, Tatayon, Thomson voting aye (unanimous), and the motion was adopted.

The video showing this motion and vote can be found on the linked agenda: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2018-09-27>. 00:03:14.

5. Executive Officer's Report (Information Item)

Executive Officer Jessica Pearson noted the following letters sent during the previous month regarding Delta Plan coordination and implementation had been provided to the Councilmembers:

- Comment letter to the California Department of Water Resources re: Winter Island Tidal Habitat Restoration Project Draft Initial Study and Mitigated Negative Declaration.
- Comment letter to the U.S. Fish and Wildlife Service re: Proposed Regulatory Reform of the Federal Endangered Species Act.

The letters can be found on the Council's website at: <http://deltacouncil.ca.gov/outgoing-correspondence>.

Ms. Pearson provided an update on current covered actions, noting that no new covered actions had been filed and that nine appeals were filed for the California WaterFix certification of consistency. The next Council meeting will be held on October 23 at the Ramada Inn in West Sacramento. The Council will conduct a public hearing from October 24-26 for the certification of consistency appeals at the same location. The first two days of the hearing, the Council will hear from the appellants while the last day of the hearing will be dedicated to hearing from the public. The November Council meeting will be held on November 14, also at the Ramada Inn in West Sacramento. The Council may hold a workshop to receive comments on a draft determination regarding the appeals of the California WaterFix. The Council has reserved November 15-16 for the potential workshop. A website is available with more information at: <http://deltacouncil.ca.gov/covered-actions>.

Ms. Pearson acknowledged Program Manager within the Collaborative Science and Peer Review section, Alice Low. Ms. Low joined the Council on a limited term basis to fill in for Lindsay Correa while she is on maternity leave.

The video of the Executive Officer's Report can be found on the linked agenda: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2018-09-27>. 00:03:58.

5a. Legal Update (Information Item)

Chief Counsel Bethany Pane had nothing to report.

5b. Legislative Update (Action Item)

Legislative and Policy Advisor Ryan Stanbra provided the Legislative Update, which can be found on the Council's website at: <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-september-27-2018-meeting-agenda-item-5b>.

Mr. Stanbra provided a status update for the following bills:

- AB 2348 (California winter rice habitat incentive program) and AB 2441 (removal of abandoned commercial vessels) were both signed by the governor. The governor also signed SB 1035 (safety elements of general plans must include climate adaptation resiliency strategies).

At the Federal level, Mr. Stanbra noted that the Senate is preparing the 2018 Water Infrastructure Act. This bill is the main vehicle for authorizing projects to be studied, planned, and developed by the U.S. Army Corps of Engineers. This also affects the lower San Joaquin feasibility study and area levees under the 200 year level of flood protection. He said the recently adopted appropriations bill included \$134 million for water storage projects authorized in the 2016 Water Infrastructure Improvement for the Nation (WIIN Act). Part of this act funds the federal California Bay-Delta Restoration Program.

Congresswoman Jackie Spear introduced legislation that would establish a San Francisco Bay Program Office and provide \$25 million over five years for projects in the San Francisco Estuary Blueprint. The bill is currently awaiting markup. Councilmembers and Mr. Stanbra discussed the Government Accountability Office's report on restoration occurring in the San Francisco watershed, which Congresswoman Spear's legislation drew from. The report concluded that there is a need for increased coordination across the whole watershed while acknowledging the work of the Delta Plan Interagency Implementation Committee.

Councilmembers directed Mr. Stanbra to indicate on future legislative reports the Council's position on bills.

The video of the Legislative Report can be found on the linked agenda: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2018-09-27>. 00:07:47.

6. Lead Scientist's Report (Information Item)

Chair Fiorini invited Dr. John Callaway to present the Lead Scientist's Report. The report summarized an article in the *Canadian Journal of Fisheries and Aquatic Sciences* on the decline of wild Chinook salmon in the Sacramento–San Joaquin River system. The report also summarized an article in *Hydrobiologia* on the effects of freshwater flow and phytoplankton biomass on copepod abundance and population dynamics. Dr. Callaway also provided a summary of the Bay-Delta Science Conference, 2018 National Conference on Ecosystem Restoration, and an update on the Delta Science Joint Proposal Solicitation Notice. Environmental Scientist Nir Oksenberg presented the By the Numbers report.

The Lead Scientist's report is available on the Council's website at: <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-september-27-2018-meeting-agenda-item-6-lead>. The By the Numbers presentation is posted on the Council's website at: <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-september-27-2018-meeting-agenda-item-6-numbers>.

During the Lead Scientist's Report, Councilmembers discussed how to manage hatcheries in a measurable way. Dr. Callaway said a new method has been introduced where hatcheries could start releasing hatchery fish in a range more similar to wild fish rather than in a single pulse. An existing method is the implementation of mark selective fisheries, which aim to increase the wild fish population.

During the By the Numbers Report, Councilmembers discussed how flow rates have compared over a long-term average (20 years), and slightly below average temperatures in the Delta and its significance to fall-run salmon.

The video of the Lead Scientist's Report can be found on the linked agenda: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2018-09-27>. 00:16:06.

7. Delta Independent Science Board Reappointment (Action Item)

Dr. Callaway asked the Council to reappoint Dr. Stephen Brandt to the Delta Independent Science Board (Delta ISB). The staff report for the reappointment of Dr. Brandt to the Delta ISB can be found on the Council's website at: <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-september-27-2018-meeting-agenda-item-7-delta>.

Motion: Offered by Weinberg, second by Mehranian - Approve the reappointment of Dr. Stephen Brandt to the Delta ISB.

Vote: 6/0 – Weinberg, Damrell, Mehranian, Fiorini, Tatayon, Thomson voting aye (unanimous), and the motion was adopted.

The video of the Delta ISB Reappointment can be found on the linked agenda: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2018-09-27>. 00:47:14.

8. Data to Decision-making: Science Governance (Information Item)

Deputy Executive Officer for Science Rainer Hoenicke introduced Dr. Callaway; Dr. Mark Lubell, professor of environmental science and policy and director, Center for Environmental Policy and Behavior, U.C. Davis; Deborah Halberstadt, executive director, Ocean Protection Council (OPC); and Dr. Liz Whiteman, executive director, Ocean Science Trust (OST). The panelists presented examples of how collaborative science governance can support decision-making and environmental management.

Dr. Callaway provided an overview of how Delta Science Program operates, the value of having an independent science program, and the structure used in science decision-making. Dr. Callaway also explained how to incorporate the broader science community into the decision-making process. Dr. Lubell discussed how science governance could be complex and described governing a network of differing perspectives. Ms. Halberstadt spoke on partnerships, specifically the partnership between the OPC, OST, and the Council, and the flexibility of non-profits' to work in the science governance environment. Dr. Whiteman discussed flexible solutions for collaboration and how there is no perfect solution to these problems. She also discussed the OST's contribution to designing the monitoring and evaluation program and the value of independence.

The staff report for this item can be found on the Council's website at:
<http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-september-27-2018-meeting-agenda-item-8-data>.

Attachment 1 for the agenda item can be found on the Council's Website at:
<http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-september-27-2018-meeting-agenda-item-8-attachment>.

Attachment 2 can be found on the Council's website at:
<http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-september-27-2018-meeting-agenda-item-8-attachmen-0>.

The presentations can be found on the Council's website at:

Callaway - <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-september-27-2018-meeting-agenda-item-8-john>.

Lubell - <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-september-27-2018-meeting-agenda-item-8-mark>.

Councilmembers discussed how the Delta Science Program's independent status helps the public recognize the Council's decisions are based on best-available science, developing an open data platform that is accessible to everyone, the challenges of data dissemination, and the struggles of data synthesis (e.g., lack of funding).

During a discussion between Councilmember Weinberg and Ms. Halberstadt, Ms. Halberstadt provided details on OPC's collaboration with state partners on developing policy guidance documents (e.g. State of California Sea-Level Rise Guidance document). Ms. Halberstadt stated that they work with many different coastal community climate change plans, because there is no overarching ocean plan for the state. The policy guidance document for sea level rise is supported by Executive Order B17, SB 279, and SB 246.

The video of Data to Decision-making: science governance can be found on the linked agenda: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2018-09-27>. 00:49:08.

The Council took a break for lunch. The meeting reconvened at 12:15 p.m.

9. Ecosystem Amendment Update – Continuation (Information Item)

Ms. Pearson began the discussion by providing a history of the amendment and introduced panelists Chief Deputy Executive Officer Jessica Law, Deputy Executive Officer for Planning Jeff Henderson, and Senior Environmental Scientist Ron Melcer. Ms. Law provided an overview of the development of the amendments and last month's discussion, noting that the staff report and workbook are the same and will be used as reference material for this meeting. Ms. Law also stressed the importance and characteristics of a shared vision for a restored Delta and the importance of defining the

strategies to achieve the vision. Mr. Melcer took the Councilmembers through each policy in the ecosystem amendment for discussion.

The staff report for this agenda item can be found on the Council's website at: <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-september-27-2018-meeting-agenda-item-9-ecosystem>. Attachment 1 for this item can be found on the Council's website at: <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-september-27-2018-meeting-agenda-item-9-attachment>. The presentation can be found on the Council's website at: <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-september-27-2018-meeting-agenda-item-9>.

Councilmembers and the panel discussed the need for a revised schedule, based on feedback from other agencies, to provide more time to discuss the policies. The objective of the amendment is to develop a framework that sets goals and priorities for protection and restoration of the Delta ecosystem, considering drivers such as climate change.

Councilmember Weinberg requested information about how the priorities and conservation goals in the Delta Plan will interact with local general plans. Staff stated that the intention is for the amended Delta Plan to establish a high-level conservation planning framework within which local plans and restoration plans can provide more detailed policies and programs for portions of their jurisdiction. The result would be overall alignment in the Delta, which contributes to ecosystem-wide restoration objectives.

Councilmember Weinberg requested information about the relationship of the amendment to the state's "salmon doubling goals". Mr. Melcer discussed recent planning that has occurred within the basins as part of flood management and water supply studies, and shared that there is optimism across the science community in meeting the rearing habitat needs of fish. Mr. Melcer emphasized that it is difficult to determine if the Council is achieving "doubling goals" given that salmon use habitats well outside of the Council's sphere of influence, but within the Delta, the Council can make meaningful contributions of rearing habitat and water quality which contribute to reaching the goal. Vice Chair Tatayon provided some background on the state's salmon doubling goal, and Councilmember Weinberg urged that staff include context in the Council's assessment of the goal.

Councilmember Thomson suggested prioritizing publically owned land for restoration planning and ensuring agricultural importance in the region. He also indicated that if there is a conflict between where restoration should go with local general plans, to identify those conflicts and work through them with the affected community. Mr. Melcer assured Councilmembers that restoration projects require adopting a more regional look, and assessing specific issues within the context of regional restoration plans is necessary to make a decision. The framework that staff is putting forward would leverage the California Department of Fish and Wildlife's identified conservation opportunity regions.

ER P1 and ER R1: Delta flow objectives and Update delta flow objectives

Staff recommended leaving the policy as is and only revising the problem statement to remove references to the Bay Delta Conservation Plan (BDCP). Staff will also ensure the dates in ER R1 will work with the State Water Quality Control Board's future updates. Councilmembers agreed with staff's recommendation.

ER P2: Restore Habitats at appropriate elevations (23 CCR section 5006)

Staff recommended addressing the problem statement to emphasize key restoration priorities. Updates to Appendix 3, 4, and 5 are referenced in ER P2 and ER P3. Councilmembers received a detailed explanation of the updates to Appendix 4 and how those updates provide a more refined look at the relationship between the landscape and hydrology of the Delta.

The Councilmembers discussed the elevation map in Appendix 4 and its importance. The map reflects opportunities for various restoration including floodplain and tidal reconnection, and subsidence reversal activities. Land use and restoration planners can use the map to determine areas best available for subsidence reversal and tidal marsh restoration.

Councilmember Mehranian requested information about how sets of criteria for evaluation are determined. Mr. Melcer noted that staff currently is looking at the level of detail that is most useful, while allowing project proponent's to openly address concerns, which may arise with land uses, into the future. The Council will be proposing a framework that lays out what is possible and priority actions. Councilmember Thomson stated that focusing on publically owned lands and considering Delta as Place should be part of these priority actions. Staff confirmed that they are considering a multitude of aspects on all criteria of restoration, noting it is important to apply the right strategies in the right locations while remaining consistent with existing policies. Ms. Law emphasized that the restoration opportunities outlined in the map do not preclude agricultural based restoration, and the amendment will seek to maintain a balance of sustainable agriculture in the Delta and habitat restoration. The Council discussed the relationship between land use and ecosystem restoration.

Some questions from this discussion were related to and addressed in ER P6.

ER P3 and ER P4: Project opportunities to restore habitat and Expand floodplains and riparian habitats in levee projects

ER P3 references the updated map in Appendix 4. Staff recommended updating Appendix 5 to ensure no project impacts the opportunity to restore habitat in the areas identified in the appendix. For ER P4, staff recommended updating Appendix 8 to reflect changes in setback levee opportunities (due to sea level rise) and identify priority fishery corridors from the Blue Ribbon Task Force Environmental Working Group and the San Francisco Estuary Institute.

Councilmember Tatayon requested staff consider making clear that this does not establish a prohibition on public safety projects and requested some illustration or

sample project for discussed levee projects. Councilmember Thomson requested more details on the setback levee recommendation for the Yolo Bypass and Cache Slough due to concern that some setback levees will take up a lot of agricultural lands. Mr. Melcer suggested addressing this item in ER P6.

ER R2: Prioritize and implement projects that restore Delta habitat

Staff recommends deleting ER R2 and supplement it into ER P4 and ER P6.

ER P6: Prioritize restoration actions in the Delta to establish a resilient functioning ecosystem

Staff recommends this new policy to reflect more of a tiered system for priority restoration activities. Chair Fiorini related the recommendation to the need for connectivity between low and high priority projects. Staff will identify specific attributes in Appendix 3. Mr. Henderson stated that the intent is to bring together the findings on ecosystem management approaches with the Delta Conservation Framework in the context of the Delta Plan. Mr. Henderson emphasized that restoration planning requires bringing together best available science and potential restoration strategies, within the Delta Plan's regulatory framework. If this is achieved using a local process, it will ensure projects prioritize stakeholder involvement.

Councilmember Weinberg requested information on how the Council will consider restoration constraints and address the coequal goals. Staff reassured the Council that practical constraints are being considered and as the process moves forward, staff will bring more detail to the Council on how this directly affects feasibility. The Council discussed working with local jurisdictions in the context of state planning and the expectations from the results of that planning, particularly the ecosystem amendment. Staff further defined the nature of this framework is to be a high-level document (as outlined on page 13 of the presentation).

Councilmembers and the panel further discussed large-scale projects versus small-scale projects and clarified that the amendments were not based solely on large-scale projects. Staff has also laid out the characteristics of successful functional restoration projects. Lastly, staff emphasized the importance of using quantifiable performance measures to determine if the plan meets the targets and maintains a five-year review period.

The video of the Ecosystem Amendment Update - Continuation can be found on the linked agenda: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2018-09-27>. 02:20:59.

10. Public Comment

There was one public comment at the meeting from Mr. Sam Safi with Regional San. Mr. Safi acknowledged staff on work done so far. He's watched the Council for more than a year and recognizes the effort for transparency. He's also learned a lot from the discussions. The Council makes it easy when amendments come for public comment. Mr. Safi commended staff on their process.

- 11. Preparation for Next Council Meeting – Discuss (a) expected agenda items; (b) new work assignments for staff; (c) requests of other agencies; (d) other requests from Councilmembers; and (e) confirm next meeting date.**

The meeting adjourned at 2:23 p.m.